

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Ameren Illinois Company d/b/a Ameren Illinois	:	
	:	
Petition for Approval of Tariffs Associated with the	:	No. 14-0097
Small Volume Transportation Program.	:	

INITIAL BRIEF OF PRAIRIE POINT ENERGY, L.L.C.
D/B/A NICOR ADVANCED ENERGY LLC

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Prairie Point Energy, L.L.C. d/b/a Nicor Advanced Energy LLC (“NAE”), through its attorneys, Rooney Rippie & Ratnaswamy LLP, pursuant to the schedule adopted by the Administrative Law Judge (“ALJ”), submits this Initial Brief in the above-captioned proceeding.

I. INTRODUCTION

NAE has a certificate of service authority granted by the Illinois Commerce Commission (“Commission”) to operate as an Alternative Gas Supplier (“AGS”) to all eligible residential and small commercial gas customers in the service areas of Peoples Gas Light and Coke Company, North Shore Gas Company, and Nicor Gas Company. NAE does not have a certificate to operate as an AGS in the Ameren Illinois Company (“Ameren Illinois”) service area, but is interested in requesting such a certificate and participating in Ameren Illinois’ Small Volume Transportation (“SVT”) Program when it is approved by the Commission. Competitive choice programs implemented by other utilities in Illinois are allowing AGSs to provide residential and small commercial customers with choices and additional benefits that would not otherwise be available to them. NAE is a strong proponent of competitive retail choice programs that facilitate choices and benefits for retail customers in a manner that also provides reasonable protections for customers, as well as a fair and level playing field for competing suppliers.

This proceeding is a compliance proceeding to resolve certain disputed issues associated with the SVT Program previously approved in ICC Docket No. 13-0192. NAE urges the Commission to reject any proposals that would result in the Ameren Illinois' SVT Program not going forward. All of Ameren Illinois' electric retail customers enjoy the benefits of competitive electric supply service, and its large commercial customers enjoy the benefits of competitive gas supply service. There is no legitimate basis to deny those same choices and benefits to its residential and small commercial gas supply customers. NAE did not sponsor a witness in this proceeding, but supports the testimony of James L. Crist, P.E., submitted on behalf of the Retail Gas Suppliers ("RGS"), explaining why the Commission should reject proposals that would result in the SVT Program not going forward.

NAE does raise a legal issue in this proceeding as described below. Section 19-135 of the Public Utilities Act, 220 ILCS 5/19-135, clearly obligates a utility that allows retail customers to choose their natural gas supplier to also allow AGSs to issue single bills to residential and small commercial customers for both the services provided by the alternative gas supplier and the delivery services provided by the gas utility. Ameren's SVT Program fails to do this, and the Commission should order Ameren Illinois to file a tariff providing AGSs with a single billing option.

NAE has followed the joint agreed briefing outline developed by the parties. The absence of a response to testimony or proposals should not be interpreted as NAE's agreement to such testimony or proposals unless otherwise indicated in this brief.

II. PROCEDURAL HISTORY

III. CONTINUATION OF SVT PROGRAM

IV. SVT PROGRAMMATIC PROPOSALS

A. Uncontested Issues

- 1. Uncontested Tariff Proposals by AIC**
- 2. Definition of Weighted Average Cost of Gas (“WACOG”) to be Used in Rider GTA**
- 3. Calculation of Inventory Sales Price**
- 4. Price to Compare (“PTC”)**
- 5. Legal Ownership Concerns**

B. Contested Issues

- 1. Display of Price-to-Compare (“PTC”) on SVT Customer Bills and Tariff Language Regarding Notification of PTC.**
- 2. Rescission Period for Non-Residential Customers with Annual Usage >5,000 Therms**
- 3. Nomination Schedules**
- 4. 200% Penalty for Non-Delivery**
- 5. Calculating the Cost for Capacity Release**
- 6. Asset Allocation Periods**
- 7. Combined Billing / Billing Agents Receiving Gas/Electric Information**
- 8. Customer Complaint Tracking and Reporting**
- 9. Inclusion of Consumer Protections in Contract Offers**
- 10. Requirement to File Tariff Allowing Alternative Gas Suppliers (“AGS”) to Issue Single Bills**

Section 19-135 of the PUA provides, in its entirety, as follows:

Sec. 19-135. Single billing. It is the intent of the General Assembly that in any service area where customers are able to choose their natural gas supplier, a

single billing option shall be offered to customers for both the services provided by the alternative gas supplier and the delivery services provided by the gas utility. A gas utility shall file a tariff pursuant to Article IX of this Act that allows alternative gas suppliers to issue single bills to residential and small commercial customers for both the services provided by the alternative gas supplier and the delivery services provided by the gas utility to customers; provided that if a form of single billing is being offered in a gas utility's service area on the effective date of this amendatory Act of the 92nd General Assembly, that form of single billing shall remain in effect unless and until otherwise ordered by the Commission.

220 ILCS 5/19-135. The intent and meaning of Section 19-135 is clear and unambiguous. If a gas utility allows customers “to choose their natural gas supplier,” it must also “file a tariff pursuant to Article IX of this Act that allows alternative gas suppliers to issue single bills to residential and small commercial customers for both the services provided by the alternative gas supplier and the delivery services provided by the gas utility to customers” *Id.* Moreover, it is clear that the single billing option (“SBO”) referred to in Section 19-135 is an option “that allows *alternative gas suppliers to issue single bills* to residential and small commercial customers for both the services provided by the alternative gas supplier and the delivery services provided by the gas utility to customers” *Id.* (emphasis added). The SBO is important, *inter alia*, to allow AGSs the ability to offer unique and creative services, such as a fixed bill product, that they would not otherwise be able to offer.

The record is clear that Ameren Illinois’ SVT Program does not comply with the statutory directive in Section 19-135. Ameren witness Mr. Dothage testified that Ameren Illinois’ “tariff does not provide for suppliers billing Ameren delivery charges on a supplier bill.” Dothage, Tr. at 354. Nor does Ameren Illinois intend to file such a tariff. *Id.* Mr. Dothage believed the reason Ameren Illinois has not filed such a tariff is that Ameren Illinois intends to offer utility billing of AGS’ charges (*Id.*), but that is not compliant with Section 19-135 which requires a utility to allow an AGS *to issue a bill with the utility delivery service charges.* See 220 ILCS 5/19-135.

Therefore, if the Commission allows Ameren Illinois' SVT Program to go into effect, which it should, then Ameren Illinois is obligated to allow AGSs a single billing option whereby they may issue single bills containing the gas utility's delivery service charges. The other gas utilities in Illinois allowing customers to choose their natural gas supplier have complied with this requirement. *See* The Peoples Gas Light and Coke Company, Rider SBO – Supplier Bill Option Service, ILL. C. C. NO. 28 (available at <http://www.peoplesgasdelivery.com/company/tariffs/sbo.pdf>); North Shore Gas Company, Rider SBO – Supplier Bill Option Service, ILL. C. C. NO. 17, (available at <http://www.northshoregasdelivery.com/company/tariffs/sbo.pdf>); Northern Illinois Gas Company d/b/a Nicor Gas Company, Rider 16 – Supplier Aggregation Service (available at https://nicorgas.aglr.com/Repository/Files/Nicor_Rider_16.pdf). The Commission's order in this proceeding should direct Ameren Illinois to file a tariff allowing AGSs a single billing option. NAE recommends that Ameren Illinois be directed to make such a filing as soon as possible within 60 days of the entry of the Commission's order in this proceeding.

11. Other

V. CONCLUSION

WHEREFORE, for all the foregoing reasons, NAE respectfully requests that the Commission resolve the contested issues regarding Ameren Illinois' SVT Program consistent with the arguments presented in this Initial Brief.

Dated: January 7, 2015

Respectfully submitted,
Prairie Point Energy, L.L.C. d/b/a
Nicor Advanced Energy LLC


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above Initial Brief of Prairie Point Energy, L.L.C. d/b/a Nicor Advanced Energy LLC has been served upon all parties on the attached service list by electronic mail, on the 7th day of January, 2015.



Carmen L. Fosco